

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DEJON LEE PAYNE,

**Plaintiff,**

V.

## CORRECTIONAL INDUSTRY KITCHEN, et al.,

### Defendants.

CASE NO. 3:23-CV-5587-TMC-DWC

**ORDER GRANTING THIRD MOTION  
FOR EXTENSION OF TIME**

This is a civil rights action under 42 U.S.C. § 1983. Plaintiff Dejon Lee Payne is a state prisoner currently confined at Washington Corrections Center in Shelton, Washington. Dkt. 1. Plaintiff is proceeding *pro se* and *in forma pauperis* in this action. *See* Dkts. 1, 5.

On January 24, 2023, the Court screened and declined to serve Plaintiff's amended complaint due to deficiencies in certain claims and granted Plaintiff 30 days to file a second amended complaint. Dkt. 14. The Court's order indicated that if Plaintiff failed to correct the identified deficiencies, the Court would recommend that the deficient claims be dismissed, and Plaintiff would be allowed to proceed only on the claim of discrimination against Defendant Sinnot and claim of retaliation against Defendants Owens and McGerrin. *Id.*

On February 23, 2023, Plaintiff filed a motion for extension of time, requesting an additional 90 days to file his second amended complaint. Dkt. 15. The Court has previously granted Plaintiff two extensions to file amended complaints. *See* Dkts. 10, 12.

After considering the relevant record, the Court grants Plaintiff's motion (Dkt. 15) as follows: Plaintiff shall have until **March 27, 2024**, to file a second amended complaint. If the second amended complaint contains sufficient facts linking each Defendant to the alleged violation of Plaintiff's rights, the Court will order service of the second amended complaint on the appropriate parties. The Court will not authorize service of the second amended complaint on any Defendant who is not specifically linked to a violation of Plaintiff's rights. If Plaintiff fails to file a second amended complaint by **March 27, 2024**, this case will proceed only on the claim of discrimination against Defendant Sinnot and claim of retaliation against Defendants Owens and McGerrin, and the Court will recommend dismissal of Plaintiff's remaining claims.

Dated this 26th day of February, 2024.

David W. Christel  
David W. Christel  
United States Magistrate Judge